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HUMAN RIGHTS COMMITTEE

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SUMMARY RECORD OF THE 1505th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 July 1996, at 3 p.m.

Chairman: Mr. AGUILAR URBINA

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Initial report of Nigeria (continued) (CCPR/C/92/Add.1 - English only; M/CCPR/C/56/LST/NIG/2)

1. At the invitation of the Chairman, the members of the delegation of Nigeria took places at the Committee table.

2. The CHAIRMAN invited the Committee to continue its consideration of the initial report of Nigeria (CCPR/C/92/Add.1).

3. Mr. LALLAH associated himself with the questions previously raised by members of the Committee regarding the progress made in establishing a democratic civilian Government in Nigeria. He was particularly curious to know how the Nigerian Government was carrying out its obligations under articles 23 and 24 of the Covenant since the country apparently had three different legal regimes applicable to the right to found a family, the right to marry and the rights of children.

4. With regard to the implementation of articles 4 and 25 of the Covenant, he asked whether the right to take part in the conduct of public affairs (art. 25) could be derogated from under article 4 of the Covenant and, if so, in what specific cases.

5. Mr. POCAR said he was pleased by the steps that seemed already to have been taken by the Nigerian Government in response to the recommendations of the Committee and the United Nations fact-finding mission and requested more details on that matter. He wondered whether some of those measures were really in accordance with the obligations entered into by the State party under the Covenant. For example, if members of the armed forces were no longer to serve on the special tribunals, what was the situation with regard to the higher court, which, it seemed, was still the Armed Forces Ruling Council and still had the final decision-making power? In reality, although the Covenant did not explicitly prohibit recourse to special tribunals, the existence of that type of court was, in his opinion, contrary to the principles enshrined in the Covenant and threatened to infringe on the impartiality of the courts.

6. In reference to paragraphs 151 and 152 of the report, he asked on what legal basis the Nigerian Government was authorized to limit the exercise of the right to freedom of expression. Article 19 of the Covenant explicitly stated that the right to freedom of expression could be restricted only as provided by law.

7. Finally, he asked whether the Committee could obtain the text of the 1995 draft Constitution and whether the delegation could explain the role of international human rights instruments and, in particular, the Covenant, in that draft.

8. Mr. FRANCIS said he welcomed the progress towards democracy which seemed to have been made recently in Nigeria; however, he was concerned by the human rights violations apparently still being committed in the country, as witnessed by the reports of non-governmental organizations (NGOs). For example, while paragraph 12 of the report stated that the Nigerian Government recognized the right of the people to have a peaceful Government, the Committee had noted that the rights set forth in the Covenant were constantly being violated in Nigeria owing to the continued existence of the military regime and failure to respect the principle of the independence of the judiciary. In that regard, he asked the Nigerian delegation to tell the Committee whether all of the military decrees would, in fact, be revoked before 1998 and whether there were plans for organizing free and democratic elections with the participation of all citizens, including political prisoners who, it must be hoped, would be freed before then. He also asked whether the former elected President would continue to be held in detention, in violation of all democratic principles.

9. Mr. YADUDU (Nigeria), in reply to Mr. Francis, said that the former President had been tried for political crimes, was currently being held in detention as a result of a judicial decision, and had refused the release on bail which he had been offered in August 1994. He also stated that the Nigerian delegation in no way doubted the Committee's impartiality towards States parties and, in particular, Nigeria and that the recommendations of the United Nations fact-finding mission, which had been transmitted to the Nigerian Government through the Secretary-General, would be duly implemented. The Government had already promised to revoke several decrees and to set up a review panel to investigate the situation of detainees; it firmly intended to continue its dialogue with the Secretary-General and would not fail to inform him of all measures taken subsequently.

10. The Decree establishing the National Human Rights Commission and setting forth its functions and powers had been transmitted to the Centre for Human Rights in Geneva, which had noted that the Commission's structure and composition were basically in accordance with the model that it had provided to the competent Nigerian authorities.

11. In response to the questions concerning the transition to civil rule programme, which had been announced on 1 October 1995 and covered a three-year period, he noted that the programme included the creation of several bodies to ensure its implementation, including the National Electoral Commission, the Transition to Civil Rule Implementation Committee, the Federal Commission on Equal Rights, the National Reconciliation Committee and the State and Local Government Creation Committee. A total of six committees had been established, or planned, since the end of 1995. The programme also called for local elections (Nigeria had 593 municipalities) on a non-party basis, which had been held in March 1996.

12. In reply to the questions regarding political parties, he explained that it would be possible to register political associations as political parties as from September 1996. The National Electoral Commission had already drawn up the rules which would govern that registration and, as of 17 June 1996, 23 of the 80 existing political associations had filed for registration. In September 1996, those which had satisfied the conditions for registration

as political parties would be registered and authorized to participate in multi-party elections. Municipal elections would be held on a party basis in December 1996; gubernatorial elections would be held in late 1997, followed by elections to the Presidency and the National Assembly, and the final disengagement of the military Government in Nigeria should be completed by 1 October 1998.

13. Questions had been asked regarding freedom of expression and the banning of three newspapers, the Guardian, Punch and Concord (CCPR/C/92/Add.1, para. 153) under decrees promulgated in 1994. He explained that the ban on those newspapers had been lifted, and his delegation could provide the Committee with copies published since June 1995. There had been expressions of concern regarding the registration of newspapers, which was at the President's discretion. He noted the existence of a Newspaper Registration Council, established by law, whose decisions were subject to judicial review.

14. Some members of the Committee had asked which individuals were still in detention for political reasons and had mentioned names, some of which, his delegation had been able to determine, were those of people who had been freed after the submission of the report of the fact-finding mission sent to Nigeria by the United Nations Secretary-General (A/50/960). The list of persons freed to date could be made available. He noted that a distinction must be made between categories of prisoners. First, there were those imprisoned for acts which endangered State security under Decree No. 2 of 1984, which had subsequently been modified by the 1994 Decree. There were also people who had been charged, tried and sentenced by the special military tribunals, who were not considered as political prisoners in the same sense as those who had been imprisoned under Decree No. 2 of 1984. Even if the Committee considered that the trials which had taken place in those courts did not meet the requirements of the Covenant, those people had nevertheless been imprisoned as a result of a legal decision. Last, there was a third category of people who had been sentenced by an ordinary court.

15. A question had been raised regarding Nigeria's position with regard to the special rapporteurs appointed by the Commission on Human Rights. Those appointments were made through a resolution adopted by consensus, which Nigeria therefore accepted, and the country would receive them when the time came.

16. Concern had been expressed regarding the fate of the 19 people who had been charged and tried by the Special Civil Disturbances Tribunal, which dealt with cases of civil disturbance. Their trial had been suspended by a legal decision, and the Nigerian Government would respect that decision. When the trial resumed, it would be under the new legislation, which had been modified by the amendments introducing an appeal procedure. Nigeria currently had a special appeal court which could hear appeals against decisions handed down by the special tribunals in cases involving drugs, bankruptcy or bank fraud. The Appeal court had three members, two of whom were former Supreme Court judges. Consequently, those who had been convicted by the Special Civil Disturbances Tribunal could file an appeal before the special appeal court.

17. Some members of the Committee had asked for more information on the case involving the NGO named "Civil Liberties Organization", which was protesting

that its representatives had been prevented from attending the session of the Committee because, they claimed, the Nigerian authorities had confiscated their passports. His delegation would check on the matter, but Nigeria did not make a practice of preventing NGOs from attending the Committee's meetings.

18. Questions had been asked regarding freedom of association and the right to organize. There were many trade unions in Nigeria, organized under the aegis of the Central Labour Union, which, on its own initiative, had suggested reducing the number of unions of which it was made up from 52 to 17. That process, in his opinion, hardly constituted an infringement of freedom of association. Moreover, elections to renew the composition of that union organization would take place on 29 July of the current year.

19. The text of the decrees mentioned by the Nigerian delegation would be transmitted to the Centre for Human Rights by the Nigerian Mission as they were published in the Official Gazette. In that regard, there had been several questions regarding the maintenance in force of certain decrees by the military Government. The current regime in Nigeria was, in fact, a military regime, which governed by decrees, and it was a military Government which had ratified the Covenant, even if some of its practices were not in accordance with the provisions of that instrument. He noted, however, that the military Government had committed itself to turning the country over to a democratically elected civil Government by October 1998 and that, to date, the deadlines set by the current regime had been met. Furthermore, the comments made by members of the Committee would be duly communicated to the Nigerian authorities and the delegation, for its part, would listen carefully to all the recommendations and comments that were made, aware that it could only profit from them. Another member of the delegation would respond to questions on other matters.

20. Mr. BUKAR USMAN (Nigeria), replying to the questions on women's rights in Nigeria from the point of view of the provisions of the Covenant, said that the provisions of the Covenant should be viewed in the light of realities: had the authors of the Covenant envisaged a world without religion, in which no religious precept would be respected? It was precisely in the light of religious practice that a man's right to have one or several wives must be considered.

21. With regard to the conditions for expulsion of individuals and the refugee problem, his delegation noted that Nigeria accepted many refugees, that it had a commission on refugees, which implemented the law on refugees, and that the Office of the United Nations High Commissioner for Refugees (UNHCR) had offices in Nigeria. The case of each person who requested refugee status was examined in the light of the relevant legislation. If some people had been expelled under conditions contrary to the provisions of refugee law, his delegation invited the members of the Committee to give him specific examples.

22. Concern had been expressed over the conditions of detainees and overcrowding in the prisons. While Nigeria would like to have optimum conditions in its prisons, it unfortunately, had insufficient resources to make that possible. Should criminals be left at large on the pretext that

there was not enough room in the prisons? The courts were continually trying to improve the conditions of prisoners. His delegation assured the Committee that the questions raised by its members would be communicated to the Nigerian Government so that dialogue could continue.

23. Mr. KRETZMER said that one of his questions had concerned the decrees which had dissolved the executive councils of several unions: had those decrees been revoked and the councils in question reinstated? With regard to what had been said concerning the Central Labour Union, it was his understanding that that body was run by a single administrator, appointed by the Government, rather than by elected officers. Could the delegation confirm that information?

24. Ms. EVATT said that the only answer to her questions on the status of women, marriage and other matters had been a vague statement that religious beliefs in some way took priority over equality between men and women, a view which was not supported by any provision of the Covenant.

25. Mr. BÁN asked for an answer to a double-barrelled question, which he considered an important one, on states of emergency. First, did any provision of the Constitution set forth the rights which could be restricted during a state of emergency and, second, had any state of emergency been declared since the Covenant had entered into force for Nigeria in October 1993?

26. Lord COLVILLE said it was his understanding that Decree No. 14 of 1994, adding a new section 2.A to the 1984 Decree on State Security (Detention of Persons) had been revoked. He had asked whether section 4.2 of the original 1984 Decree, which suspended the court's jurisdiction with regard to the fundamental human rights set forth in chapter IV of the Constitution, was still in force, but there had been no answer.

27. Mr. BRUNI CELLI requested an answer to his questions on the implementation of article 6 of the Covenant. According to information that he had received, Nigeria had carried out extrajudicial executions, acts committed by the security forces had resulted in the death of people who had taken part in public demonstrations, and the conditions in the prisons were not very compatible with respect for human life, since there had been numerous deaths in custody. In particular, he wondered what measures the State party planned to take to solve the problem of deaths in detention, and that of the excessive number of death sentences, and to ensure full implementation of the provisions of article 14 of the Covenant.

28. Mr. BUKAR USMAN (Nigeria), replying to Mr. Kretzmer's question on the Central Labour Union, said that elections to the governing board of that body would be held on 29 July 1996, which showed that the provisions of the Decree no longer applied.

29. The principle of equality between men and women was, of course, indisputable but, in that area as in others, the provisions of the Covenant must be viewed realistically. The Covenant in no way called for the elimination of religious practices. Islam authorized men to have up to four wives, a reality which could not be eradicated from one day to the next.

The same was true of cultural traditions, which could not be changed overnight. The only way to make progress was to concentrate on education and information, as was being done in Nigeria in the case of traditional practices affecting the health of women. Reality and history made it impossible to change things quickly, but that did not mean that there was no will to bring about change.

30. Mr. YADUDU (Nigeria) explained that Decree No. 2 of 1984, which had suspended implementation of chapter IV of the 1979 Constitution, had been modified to the point that it had lost much of its force; however, what was more important was that, at the moment, the country was legally governed by Decree No. 107, which recognized the implementation of chapter IV of the 1979 Constitution and thereby rendered Decree No. 2 of 1984 inapplicable. No jurist had ever noted a conflict between Decree No. 107 and the Covenant, but his delegation would certainly refer that question to the Government, which would undertake a study of the two sets of provisions.

31. With regard to the proclamation of states of emergency, it must be remembered that such a state had not been proclaimed since Nigeria had ratified the Covenant. If, however, the need arose, the National Assembly would cease to function and the President would govern by proclamation.

32. With regard to the question of which constitutional provisions were currently applicable, he explained that only Decree No. 107 was in force and took precedence over all earlier constitutions. The Decree suspended some parts of the 1979 Constitution and retained others. It was clear that the Committee was concerned by the implementation of Decree No. 107 and wanted it to be revoked. However, the current Government was a military Government; Decree No. 107 was the basis of military rule and would continue to govern the country until the military regime ended in two years' time. If the Committee had concrete suggestions for making Decree No. 107 more compatible with the Covenant, his delegation would submit them to the military Government. However, the Committee must remember that it was also a military Government which had ratified the Covenant, and that it would not have done so if the applicable national legislation were not compatible with the provisions of that instrument.

33. Finally, one member of the Committee had cited statistics for extrajudicial executions and had alleged a very large number of deaths in detention. The Committee could not expect his delegation to confirm or deny those statistics without verification. Moreover, the Special Rapporteur on extrajudicial, summary or arbitrary executions would be able to conduct the necessary investigation.

34. Mr. BRUNI CELLI explained that he had not meant to request the Nigerian delegation to confirm the statistics that he had cited. He had wanted to know whether the Government was taking steps to improve prison conditions in order to bring about a decrease in the number of deaths in detention and whether measures were being taken, or planned, with a view to reducing the number of extrajudicial executions, for example, whether the police were being instructed to refrain from firing on crowds in order to suppress demonstrations.

35. Mr. BHAGWATI thanked the Nigerian delegation for answering many of the questions raised by members of the Committee. With regard to the human rights situation, he noted with satisfaction that a National Human Rights Commission had been established and expressed the hope that its members would be appointed by a body with broad representation, a fact which would augur well for the independence and efficiency of such a mechanism. He also hoped that, in exercising its investigatory functions, the Commission would see what had become of those people who were feared to be illegally detained and would recommend their release. It would also need to establish contact with NGOs and encourage them to cooperate with it. The Commission might also request assistance from the United Nations Centre for Human Rights.

36. He still had a number of doubts and concerns regarding the current situation in Nigeria, particularly in relation to the implementation of certain legal provisions, including article 4 (2) of Decree No. 2 of 1984, which should be totally revoked. The same was true of Decree No. 107 of 1993 and Decree No. 12 of 1994, which were in violation of article 2 (3) of the Covenant.

37. The Nigerian Government must be urged to compensate the relatives of victims of extrajudicial executions and to give effect to the recommendations of the United Nations fact-finding mission. It must also refrain from interfering in the activities of the press and, in general, from restricting the freedom of the press in cases other than those covered under article 19 (3) of the Covenant. Furthermore, for a military Government to remain in power for four years constituted a serious violation of article 25 of the Covenant, which called for a democratic form of government. The Nigerian delegation had objected that the Committee was not authorized to tell a State what form of government it must have, which was true; on the other hand, the Committee could and should inform a State party of any violation of article 25, which explicitly stated that: "Every citizen shall have the right and the opportunity, ... to take part in the conduct of public affairs, ... to vote and to be elected ...", which were impossible under a military Government.

38. He welcomed the fact that the Head of State had modified the 1987 Decree by excluding members of the armed forces from serving on the tribunals; their presence on tribunals with jurisdiction over civilians was, in fact, incompatible with article 14 of the Covenant. However, with regard to the judiciary, it was cause for concern that the commission responsible for examining the lawfulness of detention, which met every three months, was composed of members of the executive and included no representatives of the judiciary, a fact which was scarcely a safeguard against arbitrary detention.

39. Ms. MEDINA QUIROGA congratulated the Nigerian delegation on its frankness in admitting that the military Government issued decrees which were sometimes incompatible with the Covenant. The delegation seemed to feel that it was contradictory for the Committee to criticize the existence of a military Government when it was such a Government that had ratified the Covenant. A Government could have many reasons for ratifying the Covenant, but the Committee had the right to assume that a State which acceded to the Covenant intended to respect its provisions. Article 25 of the Covenant implicitly prohibited any non-democratic form of government. It was the Committee's task

to monitor the behaviour of States in respect of the obligations that they had assumed under the Covenant and, with regard to the provisions of the Covenant, it was concerned by many aspects of the situation in Nigeria. For example, while the Covenant allowed for the existence of religion, it did not authorize religious practices which constituted human rights violations, and the Committee could not excuse any Government from its obligations in the name of religious practice.

40. Similarly, the Committee was concerned by the idea that Decree No. 107 would remain in force until the end of the military regime because that Decree gave overly broad powers to the executive. The Committee's concerns could only be alleviated by the return of power to a civilian Government established through free, genuine elections, as provided for under the Covenant.

41. Mr. BUERGENTHAL said that, after reading and studying the report of Nigeria, he was obliged to conclude that the current regime and its institutions were incompatible with the obligations of the Covenant since a military regime was, as such, incompatible with the Covenant. The changes noted by the delegation, however praiseworthy, seemed, therefore, insignificant in the light of the situation. The military Government must give way to a civilian Government; in the interim, it was essential that immediate steps should be taken to release all political prisoners, compensate the relatives of victims of executions and those who had been illegally convicted, revoke the decrees incompatible with the Covenant, put an end to the persecution of human rights activists and representatives of political parties, and bring to trial members of the security forces responsible for acts of brutality.

42. While it was true, as the Nigerian delegation had said, that States were free to determine their own form of government, it was also true that, under international law, a State which ratified a treaty was obliged not to adopt a form of government which was, in itself, incompatible with that treaty. Furthermore, the fact that it was a military Government which had ratified the Covenant in no way altered the Committee's duty to make criticisms which it considered well-founded. He hoped that the Committee's comments would be heeded in Nigeria.

43. Mr. ANDO said that the Nigerian delegation's answers had been incomplete. He would not dwell on the various causes for concern but wished to stress, above all, that the Committee was responsible for monitoring implementation of the provisions of the Covenant through dialogue, and that its recommendations concerning changes or improvements were quite capable of being put into practice. It was not unusual for countries to change their laws along lines suggested by the Committee. If the State party was receptive, the Committee's recommendations could be translated into fact.

44. In acceding to the Covenant, a Government, whether civilian or military, made a commitment on behalf of the State, and any subsequent Government must do its best to honour that State's international obligations. It was, of course, to be hoped that the military Government would be replaced by a civilian one but, while it was difficult to achieve that change rapidly, it was certainly possible to improve the situation in order more closely

to respect the obligations entailed by the Covenant. He hoped that the second periodic report would bear witness to progress made in the interests of the Nigerian population.

45. Mr. MAVROMMATIS said that the Government could transmit to the Committee, in writing, additional information on the questions which had not yet been answered. He pointed out that, while United Nations fact-finding missions had the same goal as the Committee, they did not always play the same role. The Committee's task was to remind the State party of its obligations under the Covenant and to recommend ways of meeting them. For example, when the Nigerian Government undertook legislative reforms, it must bear in mind the provisions of the treaties to which the State was a party.

46. The first of the changes to be hoped for was, of course, the re-establishment of a civilian Government but, in the meantime, all the special tribunals must be abolished and the appeal system must be reformed forthwith. Plans must also be made to compensate the victims of arbitrary detention or sentencing, and it was urgent to consider the situation of women without hiding behind cultural traditions.

47. Mr. POCAR noted that there had been no response to his comments on articles 14, 19 and 22 of the Covenant. In general, the law was too often ignored in Nigeria and the rule of law did not seem to prevail. Laws were subject to decrees which made them unenforceable, particularly with regard to certain basic human rights and legal guarantees were not met. It was, therefore, urgent fully to restore the independence and impartiality of the judiciary by revoking the decrees that had established the special tribunals. General legislation must be enacted to establish acceptable restrictions on the exercise of human rights in order to avoid any arbitrariness. The measures taken to date were very inadequate and the Government must be urged to continue its efforts to achieve progress which, he hoped, would be reflected in the next periodic report.

48. Mr. BÁN said that the current Nigerian Government was required to respect its obligations under the Covenant, even though that instrument had been ratified by the preceding Government. He noted the substance of article 2 (2) of the Covenant and recommended that the Nigerian Government should proceed without delay to an analysis of the compatibility of Nigerian law with the Covenant. That task, which could be undertaken with the help of the United Nations Centre for Human Rights, would be a step towards the return to legality in the country.

49. Mr. KLEIN said he was convinced that it was only by re-establishing confidence in the law that Nigeria could achieve a satisfactory human rights situation. In working towards that end, the Government would do well to base its actions on the provisions of the Covenant. It was also important to encourage the activities of NGOs and to promote freedom of the press. The dialogue with the Nigerian delegation had been characterized by great frankness, but also by a certain tendency to evade problems. However, it must be remembered that the current discussion was the Committee's first meeting with the State party.

50. Mr. KRETZMER thanked the Nigerian delegation for its promise to send the Committee further information, in writing, at a later date. He was pleased that a state of emergency had not been declared in Nigeria but noted that, under those conditions, the Nigerian authorities were not authorized to derogate from their obligations under the Covenant and, in particular, that they remained fully bound by the provisions of article 25.

51. While it was not for the Committee to commend a particular political system to States parties, it was the Committee's responsibility to seek information on implementation of the provisions of the Covenant, including that of article 25, in each of the States parties to that instrument. He noted that, by its very nature, a military regime did not fulfil the obligations of States parties under article 25 of the Covenant. Therefore, while he could only welcome the information regarding progress towards a democratic regime in Nigeria, he was compelled to stress that, until that process had been fully completed, the Nigerian authorities would be in violation of the provisions of article 25 of the Covenant.

52. With regard to the implementation of article 10 of the Covenant, while he had taken note of the problems mentioned by the Nigerian delegation, he must emphasize that, in acceding to the Covenant, Nigeria had undertaken to respect the right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person. If the State could not guarantee those conditions to prisoners and, in particular, if it could not increase the number of penal institutions, it must consider a reduction in the prison population.

53. With regard to freedom of association, he was concerned by the harassment and persecution of members of NGOs in Nigeria. Like Mr. Klein, he considered it very important that NGOs should be permitted freely to carry out their functions and that their activities in the field of human rights should be expanded. Any harassment of members of NGOs working for human rights was a violation of the obligations contracted by the State party under article 22 of the Covenant.

54. With regard to freedom of religion, he would have found it quite understandable had the Nigerian delegation requested that the question of religion should be considered as one of the factors impeding implementation of the Covenant in that country. Had it done so, the Committee would certainly have asked what measures the Government had taken to overcome those difficulties and would have offered its help in that regard. In general, he associated himself with Ms. Medina Quiroga's comments on the matter and emphasized that, as a party to the Covenant, Nigeria must ensure respect for all the provisions of that instrument. If religious issues were a factor impeding the implementation of those provisions, the Government must attempt to reduce the influence of those issues.

55. Finally, he emphasized the very important role played by Nigeria in the political development of Africa, and of the world in general. He hoped that, in the future, that great country would also have a key role, in both Africa and the rest of the world, in the field of human rights.

56. Ms. EVATT said that, to dispel any ambiguity, she wished first to state that the Committee was not a political body; its functions were linked exclusively to the Covenant, and it was the implementation of the provisions of the Covenant that the Committee wished to discuss with the Nigerian delegation. However, it was the Committee's duty to inform the delegation of the State party of any failure to meet the obligations contracted under the Covenant. It was within that framework that the Committee was stressing the importance of the return to democracy as a means of ensuring respect for human rights in Nigeria.

57. She was disappointed by the Nigerian delegation's failure to reply to a number of questions that it had been asked, particularly those related to the situation of women in Nigeria. All States encountered difficulties in achieving equal treatment of men and women; however, it was essential for the Government to be aware of those obstacles and to take steps to overcome them. In the case of Nigeria, the Committee had not received any information on the situation of women or on the measures adopted to solve the problems that existed in that area. She hoped that the next periodic report of Nigeria would include information on the matter.

58. With regard to freedom of religion, she thought that it would be useful for the Nigerian Government to consult the Committee's general comment on that matter (No. 18 [37] - see HRI/GEN.1, p. 26) and noted, in general, that no right included in the Covenant could be exercised to the detriment of other rights covered by that instrument.

59. Finally, she shared Mr. Kretzmer's concerns regarding prisoners in Nigeria. In general, she hoped that all the points raised by members of the Committee would be taken into consideration in the preparation of Nigeria's next periodic report.

60. Lord COLVILLE said he hoped that the Nigerian delegation had clearly understood that, by speaking frankly regarding the gaps in legislation and other problems in Nigeria, the Committee had only been doing its duty, in all impartiality; in no way had it applied a double standard. He also hoped that the Committee's discussion with the delegation would be fruitful. He noted that the Nigerian delegation had undertaken to provide the Committee with information on the various decrees mentioned during the discussion; such a document would be of great use to the Committee.

61. He also noted that the Nigerian delegation included the managing directors of two newspapers and hoped that they would tell the Nigerian people, in the publications for which they were responsible, about the day's discussion with the Committee. The delegation also included the President and the Secretary of the new national Human Rights Commission, and it was to be hoped that they would be able to profit from the day's discussion in carrying out the mission entrusted to them.

62. Speaking to the members of the Nigerian delegation who held government posts, he said he realized that a return to truly and fully democratic conditions would take time. Meanwhile, however, it was urgent for the Nigerian Government to take into consideration the Committee's comments on the

current system. He was particularly concerned by the questions related to the rule of law and the guarantees of due process. The Nigerian authorities must seek to improve the situation regarding those matters as soon as possible.

63. Finally, he noted that there was nothing abstract about the term "human rights", which referred to the rights of the population and of citizens. Did the Nigerian Government have any plans to ensure that people detained, often for very long periods, without being charged, were given a fair trial? In general, did the Government plan to take the necessary steps to ensure that detainees, who were, after all, citizens, enjoyed all the rights covered under the Covenant? If so, the Committee's discussion with the Nigerian delegation would have been useful.

64. Mr. BRUNI CELLI said he, too, was not fully satisfied with the Nigerian delegation's replies to the Committee's questions. However, supplementary written replies would allow the Committee better to evaluate the real human rights situation in Nigeria. He noted that the Committee was not alone in its concern regarding that situation: in December 1995, the United Nations General Assembly had adopted a resolution (50/199) in which it had expressed its concern regarding the violations of human rights and fundamental freedoms in Nigeria. Following the adoption of that resolution, a fact-finding mission had been sent to Nigeria. Other bodies or agencies, too, such as the African Commission on Human and Peoples' Rights, had expressed similar concern. In his opinion, a country as important as Nigeria, with immense human and economic resources, should set an example in respect for human rights. It was to be hoped that the human rights situation in Nigeria would greatly improve in the near future and that the second periodic report of Nigeria would show that the Government of that country was fully meeting its obligations under the Covenant.

65. Mr. LALLAH said he was aware that, when a State party presented its initial report, it was not always easy for it fully to understand the importance of some rights set forth in the Covenant. In the case of Nigeria, he was pleased by the delegation's willingness to seek to understand the Committee's concerns. However, the discussion had shown that the Nigerian Government did not seem fully to have understood the importance of article 25 of the Covenant. He hoped that, as a result of the day's discussion, the Nigerian authorities would better understand the situation.

66. The Covenant authorized a State party to derogate from the exercise of certain political rights, but only temporarily and within the limits set by article 4 of that instrument. The Nigerian authorities seemed to take pride in the fact that a state of emergency had not been proclaimed in that country; however, when a State party took measures that derogated from its obligations under the Covenant, it was obliged officially to declare a state of emergency and to follow the procedures set forth in article 4 (3) of the Covenant. That procedure also allowed the Committee to determine whether those derogations were in accordance with the Covenant.

67. In conclusion, he expressed the hope that the second periodic report would explain the real factors and problems that were impeding implementation of the Covenant.

68. Mr. FRANCIS said he was pleased by the Nigerian delegation's statement that the Government of that country was committed to completing the transition to democracy on time. The establishment of a National Human Rights Commission was also a positive step. However, he emphasized that national reconciliation was an essential element of the success of the transition to democracy. To that end, he suggested that one of the main goals of the National Human Rights Commission should be to encourage the development of a network of human rights NGOs at the national level. He noted that, in general, NGOs were of great help to the Committee in the exercise of its functions. He also stressed that an essential requirement for the credibility of NGOs was that they should be non-partisan and independent of any political body. He very much hoped that the process of national reconciliation would soon lead to a multiparty democracy in Nigeria.

69. The CHAIRMAN said he was pleased by the Committee's dialogue with the representatives of the Government of Nigeria, a country to which, as a citizen of a Caribbean country, he felt particularly close.

70. He hoped that the members of the Nigerian delegation had been convinced by the day's discussion that the Committee never used a double standard in dealing with States parties. However, a number of problems remained, particularly with regard to the compatibility of domestic legal provisions with the Covenant. The Nigerian delegation had stated that Nigeria respected all the international obligations which it had freely assumed, but it had also added that certain decrees, of which the Committee recommended the repeal and which had preceded Nigeria's accession to the Covenant, were a historical necessity for the Nigerian regime. The delegation had also noted that there had been problems in reconciling respect for certain laws, which had preceded the Covenant, with implementation of the Covenant itself. Although some new legal provisions overrode earlier ones, that was not the case of the Covenant, over which some decrees took precedence. That situation was clearly unsatisfactory.

71. Since a state of emergency had not been declared in Nigeria, the State party was required to implement all the provisions of the Covenant. Whether the regime was civilian or military, the provisions of article 25 of the Covenant must be respected in their entirety.

72. He was concerned by the fact that the Nigerian Government seemed to uphold a difference in the treatment of men and women on religious grounds, which was in complete violation of the Covenant. In that regard, he recalled the words of the late Mr. Ndiaye, a member of the Committee who had been from West Africa and a Muslim. Mr. Ndiaye had noted that, when a system authorized men to have several wives, those wives must receive equal treatment, not only materially but also emotionally. Since Islamic theologians were aware of the impossibility of putting that principle into practice, Mr. Ndiaye had felt that the important thing was to ensure that the Koran was not interpreted solely in the interests, or at the whim, of the competent authorities; personally, he fully shared Mr. Ndiaye's opinion.

73. Mr. BUKAR USMAN (Nigeria) assured the Committee that national reconciliation was a major goal of government policy. Moreover, the Nigerian Government had set up a special committee to speed up the process.

74. Mr. YADUDU (Nigeria) said he was convinced that the discussion with the Human Rights Committee would bear fruit for his country. The Nigerian delegation had taken note of the Committee's suggestions and recommendations; in that regard, he stressed the fact that the delegation included representatives of the National Human Rights Commission, who would doubtless benefit from the dialogue with the Committee.

75. The CHAIRMAN said that the deadline for the presentation of the second periodic report was 28 October 1999.

76. He announced that the Committee had concluded its consideration of the initial report of Nigeria (CCPR/C/92/Add.1).

The meeting rose at 6.05 p.m.